

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IN RE SELENIOUS ACID LITIGATION

C.A. No. 2:24-7791-BRM-CLW
(consolidated)

CONSENT JUDGMENT

American Regent, Inc. (“ARI”), and Eugia Pharma Specialities Limited and Eugia US LLC (collectively, “Eugia”), parties in the above-captioned action, specifically in the action initiated by Plaintiff, ARI, against Eugia in Civil Action No. 2:24-cv-8956 (BRM)(CLW), have resolved this litigation for good cause and valuable consideration recognized by ARI and Eugia. Now the parties, by their respective undersigned attorneys, hereby stipulate and consent to entry of judgment and an injunction in the action, as follows:

IT IS this ____ day of _____, 2024:

ORDERED, ADJUDGED AND DECREED as follows:

1. This District Court has jurisdiction over the subject matter of the above action and has personal jurisdiction over the parties.
2. As used in this Consent Judgment, (i) the term “Eugia Product” shall mean the drug product manufactured, sold, offered for sale or distributed pursuant to Abbreviated New Drug Application No. 219756 (including any supplements, or modification or amendments thereto or replacements thereof) (“Eugia’s ANDA”); (ii) the term “Licensed ARI Patent” shall mean United States Patent No. 11,998,565 (“the ’565 patent”); and (iii) the term “Affiliate” shall mean any entity or person that, directly or indirectly through one or more intermediaries, controls, is controlled by, or is under common control with Eugia; for purposes of this

definition, “control” means: (a) ownership, directly or through one or more intermediaries, of: (1) more than fifty percent (50%) of the shares of stock entitled to vote for the election of directors, in the case of a corporation, or (2) more than fifty percent (50%) of the equity interests in the case of any other type of legal entity or status as a general partner in any partnership; or (b) any other arrangement whereby an entity or person has the right to elect a majority of the Board of Directors or equivalent governing body of a corporation or other entity or the right to direct the management and policies of a corporation or other entity.

3. Unless otherwise specifically authorized by ARI pursuant to the Settlement Agreement or by 35 U.S.C. § 271(e)(1), Eugia, including any of its Affiliates, successors and assigns, is enjoined from infringing the Licensed ARI Patent, on its own part or through any Affiliate, by making, having made, using, selling, offering to sell, importing or distributing of the Eugia Product in the United States.

4. Compliance with this Consent Judgment may be enforced by ARI, its successors in interest, or assigns, as permitted by the terms of the Settlement Agreement.

5. This District Court retains jurisdiction to enforce or supervise performance under this Consent Judgment and the Settlement Agreement.

6. All claims, counterclaims, affirmative defenses and demands in this action are hereby dismissed without prejudice and without costs, disbursements or attorneys’ fees to any party.

7. Nothing herein shall preclude the U.S. Food & Drug Administration from granting final approval to Eugia’s ANDA or shall preclude Eugia from filing, modifying, or maintaining with the FDA any Paragraph IV Certification for the Eugia Product pursuant to 21 U.S.C. § 355(j)(2)(A)(vii)(IV).

Brian R. Martinotti
United States District Judge

We hereby consent to the form and entry of this Order:

s/ Charles H. Chevalier
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